

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7031**

**BILL NUMBER: SB 312**

**NOTE PREPARED:** Dec 29, 2010

**BILL AMENDED:**

**SUBJECT:** City and Town Court Judges.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires the judge of a city or town court to be an attorney in good standing admitted to the practice of law in Indiana.
- B. It allows a person who is: (1) a judge of a city or town court serving on June 30, 2011; and (2) not an attorney in good standing admitted to the practice of law in Indiana; to continue to serve only for the remainder of the person's term.
- C. It repeals a superseded provision concerning qualifications for town court judges.

(The introduced version of this bill was prepared by the Commission on Courts.)

**Effective Date:** June 29, 2011; July 1, 2011.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Summary-* This bill would likely either increase the salary expenses of city and town courts with non-attorney judges or force them to close if no attorneys are available to serve as judge.

**Background-** LSA examined the legal background and salaries of the 75 city and town court judges who are

included in the 2009 *Indiana Judicial Report*. For analysis purposes, LSA divided these judges into three different groups: (1) judges who were not attorneys (referred to as non-attorney judges), (2) judges who were attorneys but were not required by statute to be attorneys, and (3) courts with judges who were required to be attorneys.

Of the 75 city and town courts in 2007, 37 judges were not attorneys, 19 were attorneys in courts where the judge was not required to be an attorney, and 19 judges were in courts where the judge was required by law to be an attorney.

Using the average salary of the non-attorney judges as a baseline, the average salary of judges who were attorneys and served in city or town courts that were not required to be attorneys was almost 50% higher than the salary of those judges who were non-attorney judges. Consequently, the expenditures of city and town courts with non-attorney judges would likely either increase if they are required to be attorneys, or the court would have to close operations if the court could not find an attorney to officiate as a judge.

Background of Judges of City and Town Courts – 2009			
Status of Judge	Number of Judges	Average Salary	Percent Higher than Salary Non-Attorney Judges
Non-attorney	37	\$18,017	baseline
Attorney but Not Required	19	\$26,867	49%
Required	19	\$46,810	160%
Totals	75	\$27,553	53%

### **Explanation of Local Revenues:**

#### **State Agencies Affected:**

**Local Agencies Affected:** 37 municipalities with city or town courts in which the judges are not required by law to be attorneys.

**Information Sources:** 2009 Indiana Judicial Report; *Indiana Judicial Officers 2009 Directory*; Indiana Supreme Court Role of Attorneys ([http://hats2.courts.state.in.us/rollatty/roa1\\_inp.jsp](http://hats2.courts.state.in.us/rollatty/roa1_inp.jsp)).

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.